



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/579,236

05/12/2006

Robert Eberl

1454.1719

8945

21171 7590 07/24/2008
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

WANG-HURST, KATHY W

ART UNIT

PAPER NUMBER

4173

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,236	Applicant(s) EBERL ET AL.	
	Examiner KATHY WANG-HURST	Art Unit 4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Preliminary amendment filed on 5/12/2006 has been entered. Claims 1-10 are cancelled, and claims 11-26 are pending for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-26 are rejected under 35 U.S.C. 102(b) as being anticipated by

Haumont et al (US 2001/0012279), cited by applicant.

Regarding claim 11, Haumont discloses a method for distributing and routing data packets during a packet-switched handover of a mobile transceiver station from a first radio cell to a second radio cell within a mobile communication network, comprising: during the packet-switched handover (**[[0003] during handover)**, duplicating at least a portion of data packets routed to the first cell (**[[0005] send the same data packets to the first base transceiver station, therefore duplicating data packets routed to the**

first cell);

sending duplicated data packets to a network element associated with the second radio cell of the mobile communication network **([0005] send the same data packets to the second base transceiver station, therefore duplicated data sent to the second radio cell);**

routing a connection to the second radio cell via the network element **([0002] each cell is served by a base transceiver station which transmit and receives signals from terminal located in the associated cell);**

wherein a type of distribution and routing of the duplicated data packets is determined by the network element associated with the second cell, without additional signaling **([0005] [0080] SGSN only sends the packet once to the base station control along with an indication that the packet has to be forwarded to both of the base stations, therefore no additional signaling).**

Regarding claim 12, Haumont discloses the method as claimed in claim 11, wherein the mobile transceiver station is a subscriber terminal device and the network element is a base station **([0002] mobile station; therefore subscriber terminal device; [0019] base station being part of the network).**

Regarding claim 13, Haumont discloses the method as claimed in claim 11, wherein the mobile transceiver station is a subscriber terminal device and the network element is a

controller **([0002] mobile station therefore subscriber terminal device; [0029] controller).**

Regarding claim 14, Haumont discloses the method as claimed in claim 11, wherein the mobile transceiver station is a subscriber terminal device and the network element is a General Packet Radio Service (GPRS)-supporting network node **([0029]).**

Regarding claim 15, Haumont discloses the method as claimed in claim 11, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005]buffering, sending data therefore forwarding data, and discarding).**

Regarding claim 16, Haumont discloses the method as claimed in claim 12, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005]).**

Regarding claim 17, Haumont discloses the method as claimed in claim 13, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005]).**

Regarding claim 18, Haumont discloses the method as claimed in claim 14, wherein the

Art Unit: 4173

type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005])**.

Regarding claim 19, Haumont discloses a network element associated with a second radio cell to distribute and route data packets during a packet-switched handover of a mobile transceiver station from a first radio cell to the second radio cell within a mobile communication network, has the following means comprising:

means for receiving data packets which have been duplicated from data packets routed to the first radio cell **([0080] [0084])**;

means for distributing and routing data packets; and means, provided only at the network element associated with the second cell, for determining a type of distribution and routing of the data packets that were duplicated, without additional signaling **([0080] [0084])**.

Regarding claim 20, Haumont discloses the network element as claimed in claim 19, wherein the network element is a base station **([0019] base station)**.

Regarding claim 21, Haumont discloses the network element as claimed in claim 19, wherein the network element is a controller **([0029])**.

Regarding claim 22, Haumont discloses the network element as claimed in claim 19,

wherein the network element is a General Packet Radio Service (GPRS)-supporting network node **([0029])**.

Regarding claim 23, Haumont discloses the network element as claimed in claim 19, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005])**.

Regarding claim 24, Haumont discloses the network element as claimed in claim 20, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005])**.

Regarding claim 25, Haumont discloses the network element as claimed in claim 21, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005])**.

Regarding claim 26, Haumont discloses the network element as claimed in claim 22, wherein the type of distribution and routing of the duplicated data packets is selected from the group consisting of buffering, forwarding and discarding **([0005])**.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ahmavaara et al (US 7359347) discloses a communication system connection mechanism.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571)270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/KATHY WANG-HURST/
Examiner, Art Unit 4173*

/Benny Q. Tieu/
Supervisory Patent Examiner, Art Unit 4173